

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

RA'SHAUN MULLER,

Plaintiff,

-against-

9:02-CV-1556  
(LEK/GJD)

ALT HOLMES, Housekeeping  
Supervisor, Medical Unit;  
MS. DUNCAN, Housekeeping  
Supervisor, Medical Unit,

Defendants.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on August 2, 2005 by the Honorable Gustave J. DiBianco, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff, which were filed on August 16, 2005.

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation is **APPROVED** and **ADOPTED** in its ENTIRETY; and it is further

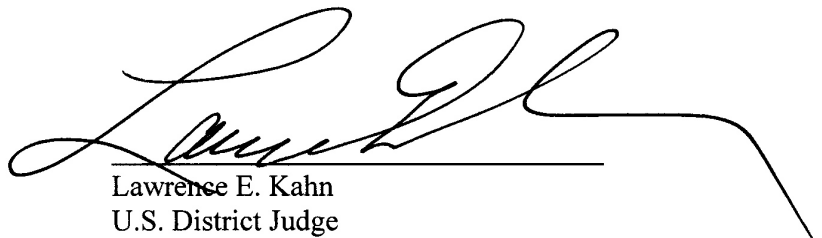
ORDERED, that defendants' motion for summary judgment (Dkt. No. 25) be **GRANTED**, only to the extent that plaintiff seeks relief for the removal from his job and to the extent that he requests injunctive relief; and it is further

ORDERED, that defendants' motion for summary judgment (Dkt. No. 25) be **DENIED IN ALL OTHER RESPECTS**; and it is further

ORDERED, that the Clerk serve a copy of this order on all parties.

IT IS SO ORDERED.

DATED: September 1, 2005  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge